

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7796

Petition of Green Mountain Power Corporation)
and Vermont Electric Cooperative, Inc.,)
pursuant to 30 V.S.A. § 110-112, for authority)
to condemn easement rights in property interests)
of the Estate of Arthur Verge, in Westfield,)
Vermont, for the purpose of constructing the 46)
kV transmission line portion of the so-called)
Kingdom Community Wind Project)

Order entered: 11/3/2011

ORDER CLOSING DOCKET

I. REPORT

On September 27, 2011, Green Mountain Power Corporation and Vermont Electric Cooperative, Inc. (collectively, "the Petitioners") filed a joint petition with the Public Service Board ("Board") requesting authority to condemn certain property interests of the Estate of Arthur Verge ("Landowner"), on land located in Westfield, Vermont, for the purpose of constructing a 46 kV transmission line related to the so-called Kingdom Community Wind Project.

On October 24, 2011, the Petitioners filed a Notice of Voluntary Dismissal pursuant to V.R.C.P. 41(a)(1) which stated that the Petitioners and the Landowner had resolved the matter. Given that the Landowner has not filed a response to the petition and that a prehearing conference has not been held,¹ voluntary dismissal of this action by the Petitioners is available under V.R.C.P. 41(a)(1). Accordingly, I conclude that this action has been validly dismissed

1. The Board has previously indicated in considering the application of Rule 41(a)(1) to proceedings before the Board that "it is not clear that a voluntary dismissal under V.R.C.P. 41(a)(1) is available to a petitioner once proceedings have commenced and a prehearing conference has been held." Docket 7472, Order Closing Docket (8/12/09) at 2. *See also*, for example, Docket 7776 (Order of 10/19/11), Docket 7397 (Order of 11/13/2008), Docket 7419 (Order of 5/21/2009).

pursuant to under V.R.C.P. 41(a)(1) by the filing of Petitioners' Notice of Voluntary Dismissal and that this docket should be closed.

This decision is not adverse to the interest of any party, so it need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 31st day of October, 2011.

s/Lars Bang-Jensen
Lars Bang-Jensen
Hearing Officer

II. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. This docket shall be closed.

Dated at Montpelier, Vermont, this 3rd day of November, 2011.

s/James Volz)	
)	
)	
s/David C. Coen)	
)	
)	
s/John D. Burke)	

PUBLIC SERVICE
BOARD
OF VERMONT

OFFICE OF THE CLERK

FILED: November 3, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.